IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 3RD APRIL 2007 / 13TH CHAITHRA 1930

WP(C).No. 11573 of 2007(C)

PETITIONERS:

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1. SHIJI SEBASTIAN, S/O.DEVASIA,
AGED 34 YEARS, KARITHADATHIL HOUSE, POST KAYANNA,
KOZHIKODE DISTRICT.

2. SEENA THOMAS, W/O.SHIJI SEBASTIAN,
AGED 33 YEARS, NEDUMPARAMBAN HOUSE, MELOOR,
MELOOR P.O., THRISSUR.

BY ADV. SRI.C.A.CHACKO
SMT.C.M.CHARISMA
SRI.N.A.SHAFEEK

RESPONDENT:

THE MARRIAGE OFFICER (SUB REGISTRAR),
SUB REGISTRAR'S OFFICE, CHALAKUDY.

BY GOVT.PLEADER SRI.S.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

WP(C) NO. 11573 OF 2007 - C

Dated this the 3rd day of April, 2007

J U D G M E N T

The petitioners seek registration of their marriage which was solemnised on 13.1.2003 under the Special Marriage Act without insisting on the notice period of thirty days. The petitioners submit that the Division Bench of this Court in **John Lukose** v. **District Registrar** (2007(1) KLT 247) has permitted registration of marriage in exceptional cases before expiry of the notice period of thirty days.

2. I find that in that decision, the Division bench had taken that course in view of the extra ordinary situation whereby 14 years have already elapsed since the marriage and the couple involved therein had grown up children. Further, it is evident that the Division Bench had not intended that the case is precedent for all occasions, but confined the decision to the facts of that case.

3. I am of the opinion that when the statute prescribes a specific period of notice before a marriage can be registered and the same is incorporated in the Act, this Court

cannot say that the mandatory stipulation need not be complied with. Therefore, I am not inclined to exercise my jurisdiction under Article 226 of the Constitution of India in favour of the petitioners. The writ petition is dismissed.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:13-02-2007